

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 96-33

July 2, 1996

RE: May Cabinet Secretary donate honorarium to the Commonwealth?

DECISION: No.

This opinion is in response to your May 17, 1996, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the July 2, 1996, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. The Secretary of the Cabinet for Health Services serves, as part of his official duty, as a speaker at meetings and seminars involving health-care issues. The secretary is aware of the ethics provision in KRS 11A.040(5) which prohibits him from accepting honoraria for making such presentations. However, he requests an opinion from the Commission as to whether he may accept honoraria on behalf of the Commonwealth by directing that payment be made to the Kentucky State Treasurer. In doing so, you believe that taxpayers of the Commonwealth will benefit, rather than the Secretary.

In Advisory Opinion 93-31 (a copy of which is enclosed) issued by the Commission on June 7, 1993, the Commission advised a cabinet secretary that he should not receive additional compensation for performance of his official duty. Similarly, the Commission believes the Secretary of the Health Services Cabinet should not accept honoraria for the performance of his official duty, even if such honoraria will be donated to the Commonwealth. In addition, health care groups to which he speaks may represent persons or entities regulated by the Cabinet which may pose a conflict of interest for the Secretary if he were to accept and donate the honoraria.

EXECUTIVE BRANCH ETHICS COMMISSION

BY: Ruth H. Baxter, Chair

Enclosure: AO 93-31